

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

- 1) SHYANN INGLE, individually; §
- 2) SIERRA BENNETT, individually; §
- 3) LILY BURGESS, individually; §
- 4) TRINITY HURRY, individually; §
- 5) SHAYLON PAIT, individually; §
- 6) MIKHAYLA MINEAR, individually; §
- 7) ISABELE CHITWOOD, individually; §
- 8) ALEXIS JENKINS, individually; §
- 9) EMILEE SHIELDS, individually; §
- 10) SHAYLEE CALHOON, individually; §
- 11) KARSTAN PACKARD, individually; §
- 12) BROOKLYN MIESFELD, individually, §

Plaintiffs,

and

- 13) GRACE BRYANT, individually,

and

- 14) KYLEE LEACH, individually, and
- 15) KACIE CAGLE, individually,

Consolidated Plaintiffs,

v.

- 1) INDEPENDENT SCHOOL DISTRICT
NO. 16 OF MAYES COUNTY,
OKLAHOMA, a/k/a SALINA SCHOOL
DISTRICT, a/k/a SALINA PUBLIC
SCHOOLS; and

- 2) JOHN Q. HORNER, individually,

Defendants.

Case No. 21-CV-0213-CVE-CDL
BASE FILE

Consolidated with:

Case No. 22-CV-0510-CVE-CDL

and

Case No. 23-CV-0009-CVE-CDL

**PLAINTIFFS' NOTICE OF SETTLEMENT IN PRINCIPLE AS TO
DEFENDANT INDEPENDENT SCHOOL DISTRICT NO. 16 OF MAYES COUNTY,
OKLAHOMA, A/K/A SALINA SCHOOL DISTRICT, A/K/A SALINA PUBLIC SCHOOLS;
ONLY**

COME NOW Plaintiffs, by and through their attorneys, and respectfully notify the Court that the Plaintiffs and the Defendant Independent School District No. 16 of Mayes, County, Oklahoma, *a/k/a* Salina School District, *a/k/a* Salina Public Schools (“District” or “School District”) have agreed in principle to settle the above-captioned matter and further state as follows:

RELEVANT PROCEDURAL BACKGROUND

1. On November 2, 2020, Plaintiffs filed Plaintiffs Original Petition in Mayes, County, Oklahoma, Case No. CJ-2020-183. On April 29, 2023, Plaintiffs filed Plaintiffs’ First Amended Petition in Mayes, County, Oklahoma in Case No. CJ-2020-183.
2. The state court action from its very outset named Independent School District No. 16 of Mayes, County, Oklahoma, *a/k/a* Salina School District, *a/k/a* Salina Public Schools and John Q. Horner as the Defendants.
3. Plaintiffs state court action was later removed to the United States District Court for the Northern District of Oklahoma, in an action entitled *Bark, et al. v. Independent School District No. 16 of Mayes County, Oklahoma a/k/a Salina School District a/k/a Salina Public Schools and John Q. Horner*, Case No. 21-cv-213-CVE-CDL (consolidated with Case Nos. 22-cv-510-CVE-CDL and 21-cv-009-CVE-CDL) (hereinafter “Lawsuit”).
4. On February 6, 2023, Plaintiffs filed Plaintiffs’ First Amended Complaint [Doc No. 63] to identify all fifteen (15) plaintiffs by their full and proper names because all Plaintiffs had reached the age of majority.¹

¹ In accordance with FEDERAL RULE OF CIVIL PROCEDURE 15 (a)(3) “... any required response to an amended pleading must be made ... within 14 days after service of the amended pleading...” the District answered on February 20, 2024 [Doc. No. 67]. Defendant John Q. Horner is currently in default under Fed. R. Civ. P. 55.

**PLAINTIFFS' NOTICE OF SETTLEMENT IN PRINCIPLE
BETWEEN PLAINTIFFS AND SCHOOL DISTRICT, ONLY**

5. In order to resolve this case between Plaintiffs and the School District the Defendant District has agreed to pay Plaintiffs the sum of \$2,625,000 to be paid as follows:
 - (a) \$1,000,000 to be paid by the School District, or another entity on its behalf, by a date certain to be later determined, most likely from a set number of days from the date of the entry of a Judgment against School District; and,
 - (b) \$1,625,000 to be paid out of the School District's sinking fund over 3 years, as provided by Oklahoma Law, with interest at the statutory rate provided by OKLA. STAT. tit. 12, § 727.1.

STATUS OF SETTLEMENT AGREEMENT BETWEEN PLAINTIFFS AND SCHOOL DISTRICT, ONLY

6. Counsel for School District has presented Plaintiffs' counsel with a Release and Settlement Agreement that memorializes the pertinent amount of the settlement stated above.
7. The Release and Settlement Agreement further specifically states in bold that it... “**does not include John Q. Horner III**” who is the other named Defendant in the instant matter.
8. Both Plaintiffs' counsel and counsel for Defendant School District are working diligently on the necessary closing settlement paperwork and pleadings.
9. Nevertheless, because of the complication of attaining the signatures of fifteen (15) young women, some of whom now live out of the state of Oklahoma, Plaintiffs' counsel request that the parties be given thirty (30) days to file the necessary closing pleadings between the Plaintiffs and the Defendant Independent School District No. 16, *a/k/a* Salina School District, *a/k/a* Salina Public Schools.

10. As to Defendant John Q. Horner (“Horner”) he remains a defendant and Plaintiffs intend to proceed against Defendant Horner, individually, in accordance with this Court’s current scheduling order.

11. Plaintiffs’ request this Court to retain jurisdiction until all matters are fully and finally resolved especially as to those involving Defendant John Q. Horner.

Dated this 22nd day of February 2024.

Respectfully submitted,

s/Cameron Spradling
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with LGnR2-1 and served via the Court's electronic filing system on all counsel who has consented to electronic service on this the 22nd day of February 2024.

s/Cameron Spradling
CAMERON SPRADLING